

HOUSE BILL REPORT

HB 1148

As Amended by the Senate

Title: An act relating to protecting animals from perpetrators of domestic violence.

Brief Description: Protecting animals from perpetrators of domestic violence.

Sponsors: Representatives Williams, Rodne, Simpson, Upthegrove, Haigh, Nelson, Rolfes, Sullivan, Hunt, Lias, Chase, Moeller, Goodman, Ormsby, Hurst, Kenney, Kirby, Eddy, Conway, Pedersen, Dunshee, Dickerson, Hasegawa, Sells, Appleton, Campbell and Herrera.

Brief History:

Committee Activity:

Judiciary: 1/26/09, 1/29/09 [DP].

Floor Activity

Passed House: 2/23/09, 95-2.

Senate Amended.

Passed Senate: 4/17/09, 39-5.

Brief Summary of Bill

- Allows a court, when issuing a domestic violence protection order, to grant the petitioner exclusive custody and control of any pet and to prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of locations where the pet is regularly found.
- Makes it a gross misdemeanor for a person to violate a provision in a protection order that prohibits the person from committing acts of violence against or the harming of a protected animal, or prohibits interference with the petitioner's efforts to remove a protected animal.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Trudes Tango (786-7384)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Domestic violence protection orders are civil orders available when there has been domestic violence committed between one family or household member against another. When issuing an order, the court has discretion to order appropriate relief. Domestic violence protection orders may include provisions: (1) restraining the respondent from committing acts of domestic violence or having any contact with the petitioner or the petitioner's children; (2) excluding the respondent from the residence, workplace, or school of the petitioner or from the day care or school of a child; (3) prohibiting the respondent from knowingly coming within a certain distance of a specific location; (4) ordering that the petitioner have access to essential personal effects; and (5) providing any other relief as the court deems necessary for the protection of the petitioner and other family or household members.

Depending on the circumstances, a violation of a domestic violence protection order can constitute contempt of court, a gross misdemeanor, or a felony. It is a gross misdemeanor when a person knows of the order and the person violates the restraint provisions prohibiting contact with a protected party or violates the restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party. A violation of a protection order becomes a class C felony if the offender has at least two previous convictions for violating the provisions of an order.

A law enforcement officer must arrest and take into custody a person if the officer has probable cause to believe that the person arrested knew of the domestic violence protection order and violated a restraint provision in the order.

Summary of Bill:

When a court orders that the petitioner have possession and use of essential personal effects, "personal effects" may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned or possessed by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent. The court may prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found.

It is a gross misdemeanor if the person subject to a protection order knows of the order and violates a provision that prohibits the person from committing acts of violence against or harming a protected animal, or prohibits interference with the petitioner's efforts to remove a protected animal.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment makes the section describing what the court may prohibit in a protection order consistent with the section describing what conduct constitutes a gross misdemeanor by: (1) Adding language stating the court may prohibit the respondent from interfering with the protected party's efforts to remove the pet; and (2) removing language that made it a gross misdemeanor for a person to violate a provision in a protection order prohibiting the person from committing acts of violence against or harming the pet (it is still

a gross misdemeanor for a person to interfere with a protection party's efforts to remove a pet).

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) A similar bill was reported out of committee and passed the House of Representatives last year, but died in the Senate. This bill is the version that was reported out of the Senate Judiciary Committee last year. This may seem like a strange or trivial issue at first, but it is very important given that there is a link between criminal deviancy, abuse of animals, and domestic abuse. Abusers use the threat of violence against family pets as a means of terrorizing domestic violence victims. The omission of pets as "essential personal effects" is a serious omission that the Legislature should correct. Paying attention to pet abuse can save lives. A large percentage of women who report abuse also report that the abusers harm their pets. Women often stay with their abusers out of fear that the abuser will harm the children and pets.

(With concerns) The bill allows the court to determine who has custody of the pets but does not state that courts can order that the respondent not commit acts of violence against the pets. This can be confusing for law enforcement who have to enforce these orders.

(Opposed) This bill moves in the wrong direction. There is an increasing problem with false allegations of abuse in domestic violence cases. Protection orders were originally meant to protect victims who are in danger, but the use of protection orders has been expanding and they are being used as a tactical device in divorce. The animal cruelty statues already protect animals. The language in the bill is vague. The Legislature needs to set the standards for getting a protection order higher and limit protection orders to really serious cases.

Persons Testifying: (In support) Representative Williams, prime sponsor; Seth Dawson, Washington State Association of Children's Advocacy Centers and Whiskers and Tails; and Lyn Johnson.

(With concerns) Grace Huang, Washington State Coalition Against Domestic Violence.

(Opposed) Lisa Scott, Taking Action Against Bias in the System.

Persons Signed In To Testify But Not Testifying: None.